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historical study of Roman law as a basis for institutional history, it may be thought that such a scheme of a historical introduction to the Institutes followed by study of the latter is ill advised. The historical course is too brief for the student of institutions, who will not desire the dogmatic course, and the combined course requires too much time for the student of Anglo-American law, for whom the system of Roman law is the main thing. Yet the book will prove useful to students in the United States, for whom Muirhead's classical text is too long and goes into too much detail.

For a long time histories of Roman law were written from the standpoint of the idealistic interpretation. Later Jhering and Voigt suggested an ethnological interpretation. British writers, who almost uniformly adopt a political interpretation in jurisprudence, have usually approached legal history from that point of view. But the influence of the tendency toward an ethnological interpretation was noticeable in Muirhead, and is very marked in the present book, in which some three chapters are given over to matters of archaeology and ethnology. It cannot be said, however, that any special relevance of these matters to the history of Roman law is made out. Indeed Cuq has pretty well disposed of the attempts to get beyond generalities in this connection and trace race influence into details. And the well-settled British bent for the political interpretation is evidenced in the space given to Roman political institutions.

If one may venture such a heresy, it may be doubted whether these newer interpretations of legal history have achieved much beyond a possible broadening of the juristic field of vision. It has been said that the ethnological interpretation has not taken us beyond some generalities and far-fetched speculations. Kuhlénbeck's biological interpretation does not appear to be giving us a different history of Roman law from that with which we have been familiar. Nor has the political interpretation resulted in more than exposition of Roman legal and political institutions side by side. After all, Puchta's exposition of the history of Roman law as a gradual unfolding of the idea of right and justice appears to be the one case in which the interpretation has borne fruit in the narrative. Whether the so-called external history of the two great legal systems of the world may not be left to the college courses in history and the internal history given the whole measure of the time which the professional student can devote to these subjects may perhaps deserve reconsideration. But the text book, above all things, must be up to date. And we can have no just quarrel with an author who is in entire accord with the fashions of the day.

The new edition of Professor Walton's book may be recommended to students of law in the United States, who, so far as they study Roman law at all, pursue a dogmatic or systematic course only, in connection with which a brief but reliable exposition of its history is obviously desirable.

R. P.

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THE LAW AND CUSTOM OF THE CONSTITUTION. By Sir William R. Anson, Bart. Volume I: Parliament. Fourth Edition. Reissue Revised. Oxford: The Clarendon Press; London, New York, & Toronto: Henry Frowde. 1911. pp. xxvi, 404.

The fourth edition of Sir William Anson's standard work was reviewed in 23 HARV. L. REV. 575. The reissue has been revised to indicate the changes made in the fundamental law of the land by the Parliament Bill of 1911. This bill has worked such a revolution in the constitutional law of Great Britain that no treatise on the constitution is adequate for present use unless it embodies these changes. In order to equalize the conditions under which

the two great parties seek political supremacy so that the Unionist party shall no longer reap advantage from its permanent control of the House of Lords, the Liberal party has taken from the Upper House the right to participate in legislation to any substantial degree; thus imposing on the country a unicameral rather than a bicameral system of government. This change may not be a permanent one. The preamble of the bill states that "it is intended to substitute for the House of Lords as it at present exists a Second Chamber constituted on a popular instead of hereditary basis." Yet in the eighteen months since the bill became law, the Ministry has not brought in any bill for reform of the Lords, and for some time to come subjects of more popular interest will be stirring in English politics; so we may take it that the law is more than a temporary solution of the constitutional problem.

The present revision is sufficiently thorough to keep the work up to its former high standard of usefulness until a new edition becomes necessary. The subjects which have received especial discussion are the increased importance of the Speaker of the House of Commons with the danger that the office may become a political one (pp. 149-151); and the effect of the conflict between the two Houses over the passage of the bill in establishing the custom of the constitution that the Commons will prevail in any sustained conflict between the two Houses by securing the royal promise to create a sufficient number of new peers to pass the desired legislation (pp. 283-290). J. R. MCL.

**THE WORLD'S LEGAL PHILOSOPHIES.** By Fritz Berolzheimer. Translated by Rachel Szold Jastrow. With an introduction by Sir John MacDonell and by Albert Kocourek. Boston: The Boston Book Company. 1912. pp. lv, 490.

**A HISTORY OF FRENCH PRIVATE LAW.** By Jean Brissaud. Translated by Rapalje Howell. With an introduction by W. S. Holdsworth and John H. Wigmore. Boston: Little, Brown, and Company. 1912. pp. xlviii, 922.

**A TREATISE ON THE LAW OF STREET RAILWAYS.** By Henry J. Booth. Second Edition. Revised and Enlarged by Isaac C. Sutton and Paul H. Denniston. Philadelphia: T. and J. W. Johnson Company. 1911. pp. cxi, 922.

**THE FOURTEENTH AMENDMENT AND THE STATES.** By Charles Wallace Collins. Boston: Little, Brown, and Company. 1912. pp. xxi, 220.

**THE NEW COMPETITION.** By Arthur Jerome Eddy. New York: D. Appleton and Company. 1912. pp. 375.

**THE ESSENTIALS OF INTERNATIONAL PUBLIC LAW.** By Amos S. Hershey. New York: The MacMillan Company. 1912. pp. xlviii, 558.

**A DIGEST OF ENGLISH CIVIL LAW.** Book III, Sections I and II. Property (continued). By Edward Jenks. London: Butterworth and Company. Boston: The Boston Book Company. 1912. pp. l, 669-792, 13.

**FEDERAL COURTS AND PRACTICE.** By John A. Shields. New York: Banks Law Publishing Company. 1912. pp. v, 874.

**LAW OF EVIDENCE AS ADMINISTERED IN BRITISH INDIA.** By Mahim Chandra Sarhar. Calcutta, India: M. C. Sarhar and Sons. 1913. pp. cxvi, 828.

**ENACTMENTS IN PARLIAMENT** specially concerning the Universities of Oxford and Cambridge, the Colleges and Halls therein, and the Colleges of

Winchester, Eton, and Westminster. By Lionel Lancelot Shadwell. In four volumes. Oxford: The Clarendon Press; London: Henry Froude. 1912. pp. xxxix, 360, 407, 420, 384.

COURTS, CRIMINALS, AND THE CAMORRA. By Arthur Train. New York: Charles Scribner's Sons. 1912. pp. 253.

VALUATION OF PUBLIC SERVICE CORPORATIONS. By Robert H. Whitten. New York: The Banks Law Publishing Company. 1912. pp. xl, 798.